

AF/1771
ITW

SEP 13 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Gillespie et al.
App. No. 09/921,323
Filed: August 2, 2001
For: SPUNBOND NONWOVEN FABRICS FROM RECLAIMED
POLYMER AND THE MANUFACTURE THEREOF

Confirmation No.: 5051
Group Art Unit: 1771
Examiner: Jennifer Boyd

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL TO THE BOARD OF PATENT
APPEALS AND INTERFERENCES (37 C.F.R. § 1.191)**

Applicant in the above-identified patent application hereby appeals to the Board of Appeals and Interferences from the decision dated March 10, 2004, rejecting the following Claims 1-10.

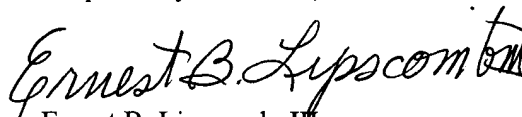
The fee for this Notice of Appeal under 37 CFR § 1.17(b) is enclosed.

- ☐ Applicant claims small entity Status.
- ☒ A check is enclosed.
(\$330.00 for large entity fee or \$165.00 if small entity status)
- ☐ Please charge Deposit Account No. 16-0605 for the Notice of Appeal Filing Fee.
- ☒ Any additional fee or refund may be charged to our
Deposit Account No. 16-0605.
- ☒ A petition for an extension of time under 37 CFR 1.136(a) is enclosed.
- ☒ Request for refund of Appeal Fee and Extension of Time Fee. Applicant finds it necessary to file this Notice of Appeal and a Three Month Extension of Time as a direct result of a 3 ½ month delay by the Patent and Trademark Office in issuing an Advisory Action on an Amendment After Final that Applicant originally filed by fax on May 10, 2004. This delay by the PTO in responding to the May 10, 2004 Amendment After Final has been prejudicial to applicant. Applicant therefore requests that the Appeal and Extension of Time fees normally required be waived, and that applicant be given a refund of the \$330 appeal fee and the \$950 Extension of Time fee paid herewith.

Applicant timely submitted the Amendment After Final on May 10, 2004 and this is so noted on in the PAIR file history. However, apparently because of internal problems with the PTO's Image File Wrapper system, the May 10, 2004 Amendment After Final was never entered into the Image File Wrapper, and it was not forwarded to the Examiner for consideration. Only after filing a Status Inquiry with the PTO on August 6, 2004, several phone calls with the Examiner, and fax resubmissions of the original Amendment After Final on August 6 and August 13, 2004, was applicant finally successful in obtaining some response to the Amendment After Final.

In re: Gillespie et al.
Appl. No.: 09/921,323
Filing Date: August 2, 2001
Page 2

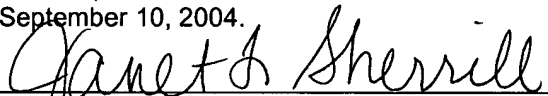
Respectfully submitted,


Ernest B. Lipscomb, III
Registration No. 24,733

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
CLT01/4665339v1

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
Mail Stop AF, Commissioner for Patents, Post Office Box 1450, Alexandria, VA 22313-1450, on
September 10, 2004.


Janet F. Sherrill